

Based on articles 34 sections I and V and 35 sections IV and XV of the Organic Law of the Federal Public Administration; 4th., Fraction III, 5th., Fraction III, 15, section VI, 16, section VI, 17 and 20 of the Foreign Trade Law; 36-A, Fractions I section c) and II section b), 95, 104, section II, 119, 127, section II, section c), 135 and 135-B, section II of the Customs Law; 5, section XVI of the Internal Regulations of the Ministry of Economy, and 5 fraction, XXII of the Internal Regulations of the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food, and

CONSIDERING

That it corresponds to the Secretariat of Agriculture and Rural Development to administer the non-tariff regulation policy in agricultural matters, to promote the efficient participation of this productive sector in international markets.

That on November 30, 2018, the Official Gazette of the Federation published the "Decree by which various provisions of the Constitution are amended, added and repealed Organic Law of the Federal Public Administration ", in which its article 35 is indicates the new name of the then Secretariat of Agriculture, Livestock, Rural Development, Fishing and Food (SAGARPA), by the Secretary of Agriculture and Rural Development (SADER), same as in its transitory article Tenth Third establishes that the mentions contained in other laws, regulations and in general in any provision, with respect to administrative units whose denomination, functions and structure have been reformed by virtue of that Decree, shall be understood to refer to the new units, in accordance with the provisions in the same.

That the National Service for Agrifood Health, Safety and Quality is a Decentralized Administrative Body of the Ministry of Agriculture and Development Rural, aimed at carrying out sanitary actions to protect resources aquaculture and livestock, as well as regulate and promote the application and certification of food contamination risk reduction systems and the agri-food quality of tray, to facilitate national trade and international goods of plant and animal origin.

That the 2007 International Coffee Agreement, adopted in London on 28 September 2007, within the framework of the International Coffee Organization, was approved by the Senate on December 3, 2009, according to the Decree published in the Official Gazette of the Federation on January 28, 2010, and was published on April 15, 2011 and pursuant to Article 33, paragraph 2 of the International Coffee Agreement, Any export of coffee by an exporting Member must be covered by a valid certificate of origin, issued by a competent body chosen by the Member concerned and approved by the Organization International Coffee, which in the case of Mexico is the Mexican Association of la Cadena Productiva del Café, A.C.

That on September 3, 2012, the measure establishing the classification and codification of merchandise whose importation is subject to regulation by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food was published in the Official Gazette of the Federation, through the National Service of Agrifood Health, Safety and Quality, which was reformed through various made known in the same informative body on March 11, 2013, May 16, 2013, August 2, 2013, 7 May 2015, July 18 2016 and July 12, 2018.

That on August 12, 2011, the measure establishing the classification and codification of merchandise whose exportation is subject to the presentation of a Certificate of Origin issued by the Mexican Association of the Productive Chain was published in the Official Gazette of the Federation. del Café, AC, and the procedure for issuing the Certificate of Origin.

That on July 1, 2020, the Decree issuing the General Import and Export Tax Law was published in the Official Gazette of the Federation, and various provisions of the Customs Law (Decree) were amended and added.

That the aforementioned Decree implements the "Sixth Amendment to the texts of the Nomenclature of the Harmonized Commodity Description and Coding System", approved by the Customs Cooperation Council of the World Customs Organization, which includes modifications to various tariff fractions of the General Import and Export Tax Rate (TIGIE), updates and modernizes the TIGIE to adapt it to current international trade flows and contemplates the creation of commercial identification numbers (NICO), in order to have statistical data more precise, that constitute a trade facilitation tool that allows separating the commercial and statistical intelligence function from the regulatory function, both in the tariff aspect and in the non-tariff regulations and restrictions.

That on November 17, 2020, the measure was published in the Official Gazette of the Federation by which the Commercial Identification Numbers (NICO) and their Correlation Tables are disclosed, in which the merchandise will be classified according to tariff items.

That on November 18, 2020, the measure was published in the Official Gazette of the Federation by which the correlation tables between the tariff fractions of the Tariff of the Law of General Import and Export Taxes (TIGIE) 2012 and 2020.

That in order to make it easier for users and foreign trade authorities to consult the applicable regulatory scheme in agricultural matters, it was considered necessary to group the measures issued by the Ministry of Agriculture and Rural Development,

through which the import and export of merchandise contemplated in them is regulated.

That, given the need to grant greater legal certainty in the application of this measure, it is essential to update it in order to harmonize the tariff items contained therein, in accordance with the changes referred to in the previous Considerations.

That the customs legislation establishes that the regulations and non-tariff restrictions applicable to the regime to which the goods are destined must be complied with, therefore, in the instrument in which said regulations and non-tariff restrictions are established, the regime must be explicitly indicated that are applicable, in order to give certainty to the customs authority, which is empowered to verify compliance with non-tariff regulations and restrictions.

That in accordance with the provisions of articles 20 of the Foreign Trade Law, and 36-A first paragraph, sections I, subsection c) and II, subsection b) of the Customs Law, they may only be enforced at the point of entry or exit to the country, the non-tariff regulations whose goods have been identified in terms of their corresponding tariff fractions and nomenclature,

That in order to comply with the provisions of article 78 of the General Law of Regulatory Improvement, published in the Official Gazette of the Federation on May 18, 2018, the elimination of the regulation of goods classified in the headings 0302, 0303, 0304 and 0305; intended for human consumption regulated by the measure that establishes the classification and codification of merchandise whose importation is subject to regulation by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, through the National Service of Health, Safety and Quality Agroalimentaria that is abrogated by this measure, and

That by virtue of the aforementioned and in compliance with the provisions of the Law of Foreign Trade, the provisions to which this instrument refers were submitted to the consideration of the Foreign Trade Commission and opinion of the same, for which the following is issued:

**MEASURE THAT ESTABLISHES GOODS WHOSE IMPORT AND EXPORT IS
SUBJECT TO REGULATION BY THE SECRETARIAT OF AGRICULTURE AND
RURAL DEVELOPMENT**

FIRST.- The purpose of this measure is to establish the tariff fractions of import merchandise that are subject to regulation, by the Ministry of Agriculture and Rural Development, through the National Service of Health, Safety and Food Quality, as well as such as the issuance of the Certificate of Origin for the export of coffee, issued by the Mexican Association of the Coffee Productive Chain, AC, whose compliance must be accredited to the competent authorities.

SECOND.- For the purposes of this measure, it will be understood as:

I. AMECAFÉ, the Mexican Association of the Coffee Productive Chain, A.C .;

II. Import certificate, the official document issued by the health authority that certifies compliance with the regulations on phytosanitary, zoosanitary or aquaculture and fisheries matters, of regulated goods for import;

III. COCEX, the Foreign Trade Commission;

IV. DGIF, the General Directorate of Phytozoosanitary Inspection of the National Service of Health, Safety and Food Quality;

V. DGSA, the General Directorate of Animal Health of the National Service for Agri-Food Health, Safety and Quality;

IV. DGSV, the General Directorate of Plant Health of the National Service for Agri-food Health, Safety and Quality;

VII. Digital document, any message that contains information by electronic reproduction of written or printed documents, transmitted, communicated, presented, received, filed or stored, by electronic means or any other technological means;

VIII.- Electronic document, any message that contains information written in data generated, transmitted, communicated, presented, received, filed or stored by electronic means or any other technological means.

IX. Export, the exit of goods from the national territory to stay abroad for a limited or unlimited time;

X. Import, the entry of merchandise into national territory, to remain in it, for a limited or unlimited time;

XI. NICO, the Commercial Identification Number, in accordance with article 2, section II, Complementary Rule 10. of the Law on General Import and Export Taxes;

XII. Customs regime, those indicated in article 90 of the Customs Law

XIII. Regulation, the Import Certificate or the certificate of origin for the export of coffee;

XIV. Secretariat, the Secretariat of Agriculture and Rural Development;

XV. SENASICA, the National Service for Agrifood Health, Safety and Quality;

XVI. Tariff, the Tariff contained in article 1 of the General Import and Export Tax Law;

XVII. Digital Window, the one provided in the Decree establishing the Mexican Digital Foreign Trade Window published in the Official Gazette of the Federation on January 14, 2011, which is located on the website www.ventanillaunica.gob.mx.

THIRD.- The goods classified in the tariff fractions listed in paragraphs a), b), c) and d) of Annex I of this measure, are regulated by the General Directorate of Animal Health and must comply with the regulation indicated in the same Annex, provided that they are intended for the definitive import, temporary import, fiscal warehouse, preparation, repair and transformation into a fiscalized area and strategic fiscalized area.

The goods listed in subsections a), b) and d) of Annex I of this measure, must verify before the official DGIF staff, at the point of entry to the country prior to customs clearance, compliance with the provisions of the Modules of Zoosanitary or Aquaculture and Fisheries Requirements, as appropriate.

The goods listed in paragraph c) of Annex I of this measure must be subjected to visual inspection by the DGIF, at the point of entry into the country prior to customs clearance, in terms of the other applicable regulatory provisions issued for that purpose. the Secretariat itself, in order to certify that the products to be imported are free of pests and diseases.

FOURTH.- The goods classified in the tariff fractions listed in paragraphs e) and f) of Annex I of this measure, are regulated by the General Directorate of Plant Health and must comply with the regulation indicated in the Annex itself, provided that they are destined to the regimes of definitive importation, temporary importation, fiscal deposit, preparation, repair and transformation into a fiscalized area and strategic fiscalized area.

The goods listed in subsection e) of Annex I of this measure, must be subjected to visual inspection by the DGIF, at the point of entry into the country prior to customs clearance, in terms of the other applicable regulatory provisions issued for that purpose. the Secretariat itself, in order to certify that the products to be imported are free of pests;

The goods listed in subsection f) of Annex I of this measure must verify before the official DGIF staff, at the point of entry into the country prior to customs clearance, compliance with the provisions of the Phytosanitary Requirements Module for importation. .

For the application of the goods listed in paragraphs e) and f) of Annex I of this measure, non-forest species are understood to be those herbaceous or woody plants that do not develop in the wild and are cultivated.

FIFTH.- Applications for the procedures referred to in the Third and Fourth Articles must be submitted at the Digital Window or at the corresponding office, in accordance with the provisions of the respective procedure.

SIX.- In the case of goods for agricultural, livestock, aquaculture or fishing productive purposes, listed in subsections a) to f) of Annex I of this measure, which are considered as Genetically Modified Organisms in accordance with the provisions of the Article 12 of the Law of Biosafety of Genetically Modified Organisms competence of the Secretariat, through SENASICA, that intend to enter the country and that will be destined to carry out activities of confined use or release to the environment, the importer must submit to the DGIF staff at the point of entry into the country, the confined use notice submitted to SENASICA or the current environmental release permit, issued by said Service. The foregoing, without prejudice to the fact that the importation of the Genetically Modified Organism in question is subject to the phytosanitary, zoosanitary or aquaculture health requirements established in the corresponding legislation.

SEVENTH.- In the case of the goods listed in sections b) to f) of Annex I of this measure, which intend to enter the country under the names or labeled as "organic", "biological", "ecological" or with the prefixes "bio" and "eco" in accordance with the provisions of articles 33 and 35 of the Organic Products Law, and 45 of its Regulations, the importer must present to the DGIF staff, at the point of entry into the country, the current Organic Certificate that protects the organic quality of each of the goods to be imported, as well as the Control Document, issued by an organic certification body approved by SENASICA or by an organic certification body under the control system of a country with which Mexico is equivalent in terms of organic products. The foregoing, without prejudice to the fact that the importation of merchandise called or labeled as "organic", "biological", "ecological" or with the prefixes "bio" and "eco" in question, must comply with the phytosanitary, zoosanitary requirements or of aquaculture health established in the legislation of the corresponding matter.

EIGHTH.- Wraps or packaging made of wood or fibers of vegetable origin, which contain imported goods, will be subject to phytosanitary inspection by the DGIF, to determine the appropriate prophylactic measures.

NINTH.- Once the requirements of the applicable legal provisions of the goods listed in paragraphs a) to f) of Annex I of this measure have been met, SENASICA will issue the corresponding Import Certificate, which must be transmitted in electronic or digital document, as an annex to the motion.

In the event that the physical inspection of the goods is carried out in the facilities authorized by the Secretariat, located outside the fiscal or supervised compound, the document review compliance report will be issued and upon entry they must be presented at said facilities for physical inspection maximum 12 hours after customs clearance of the goods has been made; Upon compliance with the foregoing, the corresponding Import Certificate will be issued.

TENTH.- The goods listed in item g) of Annex I of this measure are subject to the presentation of a Certificate of Origin issued by AMECAPÉ, when they are destined for the definitive export regime.

Said certificate of origin must be processed through the Digital Window and once obtained, the exporter must transmit it in an electronic or digital document as an annex to the corresponding export request.

The provisions of this Article shall not be applicable in the case of:

I.- Small quantities of coffee destined for direct consumption on boats, aircraft and other means of international commercial transport, and

II.- Samples, and lots up to a maximum of:

- a) 60 kg net of green coffee; or
- b) 120 kg net of dry cherry coffee; or
- c) 75 kg net of parchment coffee; or
- d) 50.4 kg net of roasted coffee, or
- e) 23 kg net of instant, soluble or liquid coffee.

ELEVENTH.- When the export regime is withdrawn, the merchandise must not comply with the regulations applicable to import, provided that the merchandise has not left the national territory.

TWELFTH.- The goods that were exported and return to the country for any reason, must present the corresponding regulation, issued by SENASICA, upon import into the national territory.

THIRTEENTH.- The provisions of this measure shall not apply to products, wastes and by-products that are destined for the definitive import regime after having been obtained in the national territory through a production process carried out by companies that have programs authorized by the Secretariat of Economy, which incorporates one or more of the goods to which said articles refer, provided that the goods from which said products, waste or by-products are derived have been imported under the Decree for the Promotion of the Manufacturing Industry, Maquiladora and Export Services (IMMEX), or the Decree that establishes various Sector Promotion Programs, and provided that at the time of their entry into the national territory said goods have complied with the zoosanitary, phytosanitary, or aquaculture health regulations that result applicable.

FOURTEENTH.- The merchandise listed in paragraphs a) to f) of Annex I of this measure, which have been temporarily imported for elaboration, transformation or repair in maquila or export programs and are to be transferred, will not apply as indicated in this measure, provided that the regulation has been complied with at the time of importation into the national territory.

FIFTEENTH.- The Secretariat, in coordination with COCEX, will review at least once a year the lists of goods subject to non-tariff regulation in the terms of this measure, in order to exclude from it the tariff fractions whose regulation is considered unnecessary or integrate those that are considered convenient, based on the applicable technical criteria.

SIXTEENTH.- Compliance with the provisions of this measure does not exempt, where appropriate, from compliance with any other requirement or regulation to which the import or export of goods is subject, in accordance with the applicable legal provisions.

TRANSIENT

FIRST.- This measure will enter into force on December 28, 2020, with exception of the following:

a) Tariff lines 0805.40.01, 1212.99.99, 1903.00.01, 2833.21.01, 3002.14.01, 3003.20.99, 3004.10.99, 3004.20.99, 3004.50.99, 3004.90.99, 3923.29.03, 3926.90.99, 4421.99.99, 8434.10.01, 8436.80.04, 9018.12.01, 9018.31.01, 9018.31.99, 9018.90.99, 9022.14.02, 9507.90.99, when they have been added to any of the subsections of Annex I of this measure, will enter into force on January 18, 2021.

b) The goods that have been added in tariff lines 0103.91.99, 0103.92.99, 0302.59.99, 0302.79.99, 0302.89.99, 0302.99.99, 0303.69.99, 0303.89.99, 0303.99.99, 0304.39.99, 0304.47.01, 0304.49.99, 0304.59.99, 0304.69.99, 0304.79.99, 0304.88.01, 0304.89.99, 0305.39.99,

0305.79.99, 0604.90.99, 0712.20.01, 0713.10.99, 0801.19.99, 0802.42.01, 0802.52.01, 0802.62.01, 0805.10.01, 0805.40.01, 0901.21.01, 0901.22.01, 1203.00.01, 2530.90.99, 2935.90.99, 2937.22.99, 3004.90.99, 3101.00.01, They will enter into force on January 18, 2021.

SECOND.- Upon the entry into force of this ordinance, the measure is repealed that establishes the classification and codification of merchandise whose importation is subject to regulation by the Ministry of Agriculture, Livestock, Development Rural, Fishing and Food, through the National Service of Health, Inocuity and Agrifood Quality, published in the Official Gazette of the Federation on 3 September 2012, and their respective amending measures published in the Official Gazette of the Federation on March 11, 2013, on May 16, 2013, on 2 August 2013, May 7, 2015, July 18, 2016 and July 12, 2018; likewise, the measure establishing the classification and coding of goods whose export is subject to the presentation of a Certificate of Origin issued by the Mexican Association of the Productive Chain del Café, A.C., and the procedure for issuing the Certificate of Origin, published in the Official Gazette of the Federation on August 12, 2011.

THIRD.- The documents that have been issued in accordance with the Regulations that by virtue of this instrument are repealed, will continue to apply until their expiration in the terms in which they were issued, and may continue being used for the purposes for which they were issued, provided that the description of the goods indicated in the corresponding document coincides with the goods presented to the customs authority. The correspondence between tariff fractions, will be in accordance with the Correlation Tables issued by the Ministry of Economy, among the tariff fractions in force until December 27, 2020 and those valid as of December 28, 2020.

Annex I

See Spanish document (pages 10–112) for Annex and Tables...